

REMARKS

Upon entry of the present amendment, claims 1 and 12 will have been amended and claim 6 has been canceled without prejudice or disclaimer. Claims 1-3, 5, 7-9, 12-17 and 19-20 remain pending in the application for consideration by the Examiner.

In view of the hereincontained remarks, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections set forth in the above-mentioned Official Action. Such action is respectfully requested and is now believed to be appropriate.

In the outstanding Official Action, the Examiner has maintained the rejection of claims 1-3, 5-9, 12-17 and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over OUCHI (U.S. Published Application No. 2002/0123667) in view of RYDELL (U.S. Patent No. 5,035,696) and further in view of the teachings of the WEAVER et al. (U.S. Patent No. 5,536,248). The Examiner has also maintained the rejection of claims 1-3, 5-7, 12-17 and 19-20 under 35 U.S.C. § 103 as being unpatentable over SLATER (U.S. Patent 5,482,054) in view of RYDELL and further in view of the teachings of WEAVER et al. The Examiner has further maintained the rejection of claims 8 and 9 under 35 U.S.C. § 103 as unpatentable over SLATER, RYDELL and WEAVER as applied in further view of the teachings of SUTTON et al. (U.S. Patent No. 5,762,613).

Applicant respectfully traverses each of the above rejections, and notes that, without agreeing to the propriety of the Examiner's rejection and solely to expedite the patent examination process, independent claims 1 and 12 have been amended to include the limitations of dependent claim 6. Applicant further expressly incorporates all arguments proffered in Applicant's previous responses.

In setting forth the rejection, the Examiner apparently relies upon WEAVER to teach that each of the guide channels has an inner diameter slightly larger than an outer diameter of said conductive wire of claim 6, asserting that “one of ordinary skill in the art would recognize acceptable size ranges for lumens and the separation of lumens in any device” and that “WEAVER shows an acceptable number of ways to arrange lumens, including lumen shapes, in order to accommodate the various lumens in the device.” Further, in the “Response to Arguments” section of the Official Action, at page 9, the Examiner asserts that “one of ordinary skill in the art would clearly recognize that the WEAVER et al lumen sizes and separation distances are a result of the remarkably small configurations necessary for the WEAVER procedure.”

Applicant respectfully disagrees with the Examiner’s application of WEAVER, and notes that WEAVER merely describes the numerical values of a lumen diameter, and does not disclose or suggest the relationship between the inner diameter of the lumens with the outer diameter of the conductive wire inserted therein. As described in Applicant’s specification at, *inter alia*, paragraph [0033], by having an inner diameter of a guide channel 120 slightly larger (*e.g.*, by about 0.1 to 0.3mm according to one non-limiting embodiment) than the outer diameter of a wire106, the wires may be prevented from buckling or folding within the guide channels as the wires are advanced and retracted within the guide channels.

Therefore, WEAVER fails to teach or suggest the claimed each of said guide channels has an inner diameter slightly larger than an outer diameter of said conductive wire, as recited in each of claims 1 and 12. Thus Applicant submits that independent claims 1 and 12, as well as the claims dependent therefrom, are patentable over the references of record.

With respect to rejected dependent claims 2-3, 5, 7-9, 13-17 and 19-20, as these claims are dependent from one of allowable independent claims 1 and 12, which are allowable for at least the reasons discussed *supra*, these dependent claims are also allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record.

It is thus respectfully submitted that all pending claims are patentable over the references of record. Applicant thus respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a), and an early indication of the allowance of all pending claims.

Accordingly, for each of the above reasons, and certainly for all of the above reasons, it is respectfully submitted that Applicant's claims are clearly patentable over the combinations of references relied upon by the Examiner. An action to such effect is respectfully requested, in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended the claims to more clearly emphasize the distinction between the present invention and the disclosures of the references relied upon by the Examiner. Applicant has additionally canceled several dependent claims.

Applicant has discussed the references relied upon by the Examiner and has pointed out the shortcomings thereof with respect to the features of Applicant's invention. Applicant has also discussed the recitations of the claims and noted the shortcomings of the combination of references asserted by the Examiner thereagainst. Applicant has additionally pointed out the lack of obviousness and motivation for the proposed combination. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests an indication to such effect, in due course.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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April 2, 2007
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